IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 3673 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE N.G.NANDI
and
Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NEW INDIA ASSURANCE CO LTD.

Versus

MEHMUNA,W/O RASHIDKHAN SARVARKHAN PATHAN

Appearance:
MR PV NANAVATI for Petitioner No. 1
MR VIBHUTI NANAVATI for Petitioner No. 1
MR MTM HAKIM for Respondent No. 1-2
NOTICE SERVED BY DS for Respondent No. 3

CORAM : MR.JUSTICE N.G.NANDI
and
MR.JUSTICE J.R.VORA

Date of decision: 08/04/2002

ORAL JUDGEMENT (Per : MR.JUSTICE N.G.NANDI)

1. This Appeal under Section 173 of the Motor Vehicles Act, is directed against the award and order rendered in the application under Section 163A of the Motor Vehicles Act in Motor Accident Claim Petition No. 1031/98 by the Motor Accident Claims Tribunal (Main), Surat, by the Insurance Company challenging the grant of the amount.

2. It is stated by Mr. M.T.M. Hakim, learned advocate for respondents No.1 and 2 that in First Appeal No.4670/2001, the present respondents No. 1 and 2 have been permitted to withdraw their Application under Section 163A of the Act, with the result, the impugned award and order dated 30.3.2001 has been permitted to be treated as nonexistent and the appeal by the present respondents No. 1 and 2 have been permitted to be withdrawn. It is stated by Mr. P.V. Nanavati, learned advocate for the appellant that in view of the order passed in First Appeal No. 4670/2001, this Appeal does not survive and the same be permitted to be withdrawn as the impugned order and award has become nonexistent.

3. In view of the above, the present appeal is permitted to be withdrawn before the effective hearing. No order as to costs.

4. Civil Application No. 9233/2001 does not survive in view of the order passed in the main matter and is disposed of as having become infructuous.

(N.G. Nandi,J.)

(J.R. Vora, J.)

p.n.nair